



U.S. DEPARTMENT OF
ENERGY

Office of Packaging and Transportation

Motor Carrier Evaluation Program (MCEP)

Volume I: Programmatic Requirements and Processes

A photograph of a white semi-truck with a large cylindrical tank trailer, number 198, parked at a security checkpoint. The truck is facing left. In the background, there are other vehicles, a building, and power lines. A yellow barrier is in the foreground.

Implementation Plan & Procedures

September 30, 2015

DOE-MCEP-2015 (Rev. 0)

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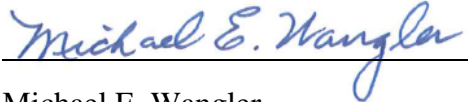
Foreword

This document presents the Department of Energy (DOE) Motor Carrier Evaluation Program (MCEP). It is designed to provide DOE management and contractors with a consistent, systematic framework for evaluating commercial carriers' capability to safely conduct DOE shipments of radioactive or hazardous materials.

DOE management is ultimately responsible for the safe execution of its mission, including packaging- and transportation-related activities. The MCEP is one tool available to management in exercising technically defensible due diligence in selecting and acquiring the services of for-hire commercial motor carriers.

The MCEP Implementation Plan and Procedures (MCEP Plan) is a two-volume document. Volume I presents the programmatic processes and procedures. Volume II provides the checklists and tools to support the effective implementation of the MCEP Plan.

The Office of Packaging and Transportation stands ready to provide technical assistance, policy interpretation, and subject matter expertise to DOE management in carrying out this critical mandate.



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September 30, 2015

Date

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1 Introduction

1.1 Purpose

This document describes the processes and procedures that govern the management and implementation of the Department of Energy (DOE) Motor Carrier Evaluation Program (MCEP). MCEP uses the Integrated Safety Management (ISM) approach to define work scope, analyze hazards, develop and implement hazard controls, perform work within controls, and provide feedback and continuous improvement.

The MCEP Implementation Plan and Procedures (MCEP Plan) is a two-volume document. Volume I presents the programmatic processes and procedures. Volume II provides the checklists and tools to support the effective implementation of the MCEP Plan. Bolded text within these Volumes are to emphasize key responsibilities, applicability, and requirements.

The MCEP is designed to provide a consistent and systematic framework for evaluating a commercial motor carrier's [hereafter referred to as 'carrier'] capability and capacity to safely conduct DOE shipments of certain types of radioactive or hazardous materials.

MCEP evaluations are used to determine the carrier's compliance with the Department of Transportation's (DOT) Federal Motor Carrier Safety Regulations (FMCSR) and Hazardous Materials Regulations (HMR), in addition to MCEP Plan requirements.

It is common for businesses of all types to solicit new DOE work opportunities through inquiries to DOE Headquarters (HQ). It is the policy of the DOE Office of Packaging and Transportation to refer all such solicitations and inquiries to the DOE-HQ Procurement Office and/or the Field Elements/Site Offices to determine the need for carrier services and any publicly available information about upcoming transportation-related opportunities.

DOE management is ultimately responsible and accountable for the safe transport of DOE shipments of radioactive and hazardous materials. The MCEP Plan provides a transparent, technically defensible basis for DOE management and contractors to exercise due diligence in selecting and acquiring the services of for-hire carriers.

Specifically, the MCEP Plan:

- provides a graded approach to carrier evaluation that takes into account key factors such as regulatory requirements, complexity, and inherent risk associated with a specific shipment, and the expected frequency and long-term utilization of a carrier by DOE site(s);

- facilitates technical collaboration and access to subject matter expertise across the complex;
- promotes operational awareness through sharing of operating experience and lessons learned;
- instills consistency and transparency in carrier evaluation; and
- encourages Department-wide cost savings and efficiencies through collaboration, consistent methodology, and operational awareness.

1.2 Scope

DOE managers, including HQ Program Offices and Field/Site Offices, as well as DOE Prime contractors/subcontractors, are required to ensure that when using for-hire carriers for DOE shipments, the DOE shippers and their Prime contractor/subcontractor shippers use only evaluated carriers who meet the MCEP requirements to transport the following types of radioactive or hazardous materials:

- carriers transporting hazardous materials requiring either a Hazardous Materials Safety Permit (49 CFR Part 385, Subpart E) or Hazardous Materials Security Plan (49 CFR Part 172, Subpart I);
- carriers transporting Type A or Type B Class 7 (radioactive – fissile/non-fissile) materials, or transporting Truckload (TL) quantities of low-level or mixed waste shipped as a low-specific-activity/surface-contaminated object; or
- carriers transporting any quantity of hazardous material requiring an Environmental Protection Agency (EPA) Uniform Hazardous Waste Manifest.

MCEP requirements do not apply to carriers who transport materials other than those specified in the MCEP Plan (also known as “MCEP-covered hazardous materials”). Carriers do not need MCEP listing to bid on a DOE contract, but they must be MCEP evaluated before transporting DOE hazardous materials as stated above. Regarding contracts, the type and nature of potential DOE transportation needs and the resulting contract terms and conditions determine the need for MCEP evaluation prior to commencement of awarded services.

1.3 Cancellation

The following document is cancelled:

- Motor Carrier Evaluation Program (MCEP) Plan and Procedures, September 2009.

1.4 Applicability

The MCEP applies to DOE shippers and their Prime contractor/subcontractor shippers who use for-hire carriers to transport MCEP-covered hazardous materials.

The MCEP applies to for-hire carriers hired to transport MCEP-covered hazardous materials.

DOE, or its Prime contractor/subcontractor, may require an MCEP evaluation as a contract term and condition on a contracted carrier prior to the commencement of awarded services.

The MCEP applicability and implementation is governed by DOE's responsibility under Order 460.2A, *Departmental Materials Transportation and Packaging Management* (DOE O 460.2A), to establish and manage a transportation logistics program that includes carrier evaluations. The MCEP also assists DOE managers and contractors in meeting the requirement in DOE O 460.2A and the associated Contractor Requirements Document (CRD) stipulating that all carriers who conduct certain types of DOE shipments of radioactive or hazardous materials (described above in section [1.2](#), [Scope](#)) be evaluated for safety, financial status, security, and compliance with applicable regulations.

DOE O 460.2A, under which the MCEP is implemented, applies to all DOE Organizations performing or managing the transportation and packaging of offsite shipments (in commerce) of materials to or from a facility on behalf of DOE.

DOE O 460.2A further provides that the NNSA Administrator shall ensure that NNSA employees and contractors comply with their respective responsibilities under this Order.

Nothing in this MCEP Plan shall be construed to interfere with NNSA's authority under Section 3212(d) of Public Law (P.L.) 106-65 to establish Administration-specific policies, unless disapproved by the Secretary of Energy.

1.5 Requirements

The requirements and standards that govern the MCEP come from several DOE Orders and regulatory sources, including:

- DOE O 460.2A, *Departmental Materials Transportation and Packaging Management*, which requires a transportation logistics program that includes carrier evaluations.
- DOE O 414.1D, Admin Chg 1, *Quality Assurance*, which provides requirements for ensuring that DOE (including NNSA) products and services meet or exceed customers' requirements and expectations.
- 49 CFR Part 40, *Procedures for Transportation Workplace Drug and Alcohol Testing Programs*, which prescribes DOT drug and alcohol tests and procedures to be used by all parties who are required to comply with DOT drug and alcohol regulations.
- 49 CFR Part 172, Subpart I, *Safety and Security Plans*, which prescribes requirements for development and implementation of plans to address security risks related to the transportation of hazardous materials in commerce.
- 49 CFR Part 173, *Shippers – General Requirements for Shipments and Packagings*, which provides definitions of hazardous materials for transportation purposes; requirements to be observed in preparing hazardous materials for shipment by air, highway, rail, or water, or any combination thereof; and inspection, testing, and retesting responsibilities for persons who retest, recondition, maintain, repair, and rebuild containers used or intended for use in the transportation of hazardous materials.
- 49 CFR Parts 350–399, *Federal Motor Carrier Safety Regulations*, which provides regulations to ensure safety in motor carrier operations by ensuring strong enforcement of safety regulations; focuses on high-risk carriers and commercial motor vehicle drivers; improving safety information systems and commercial motor vehicle technologies; strengthening commercial motor vehicle equipment and operating standards; and increasing safety awareness.

1.6 Updates

The MCEP Plan is a two-volume document. Volume I presents the programmatic processes and procedures. Volume II provides the implementation checklists and tools to support the effective implementation of the MCEP program.

Volume I will be subject to sunset review and update by the DOE MCEP Program Manager every five years. The five-year sunset review cycle can be shortened by the DOE MCEP Program Manager in case of major regulatory or other related developments.

Volume II is expected to be updated by the DOE MCEP Program Manager, as needed, to incorporate operating experience, lessons learned, DOE and industry best practices, and regulatory changes.

1.7 References

- *Atomic Energy Act of 1954*, as amended, 42 U.S.C. §§ 2011 *et seq.*
- 40 CFR Part 263, *Standards Applicable to Transporters of Hazardous Waste.*
- 41 CFR Part 102-117, *Transportation Management.*
- 41 CFR Part 109-40, *Transportation and Traffic Management.*
- 48 CFR Part 9, Subpart 9.4, Federal Acquisition Regulation, *Debarment, Suspension, and Ineligibility.*
- 48 CFR Part 9, Subpart 909.4, Department of Energy Acquisition Regulation, *Debarment, Suspension, and Ineligibility.*
- 49 CFR Part 40, *Procedures for Transportation Workplace Drug and Alcohol Testing Programs.*
- 49 CFR Parts 350-399, *Federal Motor Carrier Safety Regulations.*
- 49 CFR Parts 171-180, *Hazardous Materials Regulations.*
- DOE O 460.2A, *Departmental Materials Transportation and Packaging Management.*
- DOE O 414.1D, Admin Chg. 1, *Quality Assurance.*
- EM-QA-001, Rev. 1, *EM Quality Assurance Program (QAP).*

1.8 Definitions

Active MCEP carrier. An evaluated carrier having transported DOE MCEP-covered hazardous materials during the past three years that has not been placed in temporary non-use, suspended, or debarred.

Concerns. Issues that are not regulatory-driven but indicate that existing management systems may not ensure safe transport of hazardous materials. They, as well as Findings, require a corrective action plan.

Commercial motor carrier. A motor carrier that transports passengers or property for compensation. Referred to as a ‘carrier’ in this MCEP Plan.

Commercial motor vehicle. A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle

1. has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or
2. has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more) whichever is greater; or
3. is designed to transport 16 or more passengers, including the driver; or
4. is of any size and is used in the transportation of hazardous materials that is required to be placarded as required in 49 CFR Part 172, Subpart F, or any quantity of a material listed as a select agent or toxin in 42 CFR Part 73.

Contract commercial motor carrier. A DOE Prime Contractor, DOE contractor/subcontractor, or a for-hire carrier under contract with DOE.

Debarment. An action taken by a debarring official to exclude a carrier from contracting with all Federal agencies for a specified period of time.

Due diligence. Research and analysis of a company or organization done in preparation for a business transaction to enhance safety and prevent harm.

Findings. Issues that violate a regulation or DOE requirement for which a corrective action plan must be developed.

For-hire commercial motor carrier. A DOT authorized for-hire motor carrier that transports passengers, regulated property or household goods owned by others for compensation. For MCEP purposes, carriers under a specific contract with DOE or

under a contract with a DOE contractor are considered contracted carriers and managed by contract requirements. (For details, see section [1.2, Scope](#), and section [1.4, Applicability](#).)

Government bill-of-lading shipper. Any person whose property is transported under the terms and conditions of a Government bill of lading issued by any department or agency of the Federal government to the carrier responsible for the transportation of the shipment.

Hazardous material. For the purposes of this Plan, a substance or material which has been determined by the Secretary of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been designated by DOT. The MCEP-covered hazardous materials are a subset of the designated DOT hazardous materials.

Hazardous waste. For the purposes of this Plan, means any material that is subject to the Uniform Hazardous Waste Manifest requirements of the U.S. Environmental Protection Agency specified in 40 CFR Part 262.

Inactive MCEP carrier. A carrier that has not transported DOE MCEP-covered hazardous materials within the last three years and has not been removed from the evaluated list.

Local MCEP carrier. A carrier that is expected to be used only at a single DOE site.

National MCEP carrier. A carrier that is used, or planned to be used, by more than one DOE site.

New entrant. A carrier not domiciled in Mexico that applies for a DOT identification number, in order to initiate operations in interstate commerce. When a carrier registers for and receives a DOT number, the carrier is considered a new entrant for 18 months. A new entrant must undergo a Safety Audit within 18 months. The result of this Safety Audit is Pass/Fail. The carrier is not assigned a safety rating; such an assignment requires a full Compliance Review. Under some circumstances, however, a Safety Audit of a new entrant may evolve into a full Compliance Review, and a rating of satisfactory, conditional, or unsatisfactory may be assigned.

Non-rated/unrated commercial motor carrier. A carrier, other than a new entrant, who has a DOT number but has not undergone a DOT Compliance Review and has not been assigned a rating of satisfactory, conditional, or unsatisfactory.

Prime contractor. A contractor who has a contract with DOE, and has full responsibility for the completion of a project or job. A prime contractor undertakes to perform a

complete contract, and may employ (and manage) one or more subcontractors to carry out specific parts of the contract.

Recommendations. Suggestions for improvement that, if implemented, constitute best management practices. They do not require corrective action plans and do not have an associated regulatory driver.

Shipper. Any person who is named as the consignor or consignee in a bill of lading contract who is not the owner of the goods being transported but who assumes the responsibility for payment of the transportation and other tariff charges for the account of the beneficial owner of the goods. The Federal government is a government bill-of-lading shipper, not a commercial shipper.

Single-use carrier. A carrier that is not on the current MCEP evaluated list of carriers needed to perform a shipment by use of specialized equipment.

Suspension. An action taken by a suspending official to disqualify a carrier from receiving orders for certain services under a contract or rate tender for a specified period of time pending an investigation or legal proceeding.

Temporary non-use. The temporary exclusion of a carrier who is on the DOE MCEP evaluated list from transporting DOE MCEP-covered hazardous materials for a period not to exceed 90 days. A carrier may be placed in temporary non-use status for several reasons, such as failing to implement corrective actions from reevaluation, not responding to a Letter of Caution, receiving a conditional or unsatisfactory Federal Motor Carrier Safety Administration (FMCSA) rating, or not meeting DOE requirements. (For other grounds for temporary non-use status, see section [Temporary Non-Use Status](#).)

Truckload. A consignment from a single consignor that requires the use of the entire conveyance/cargo space due to the cargo's physical and/or chemical characteristics and/or configuration, and the consignor's and/or carrier's requirements.

1.9 Organization of the Document

The MCEP Plan is a two-volume document. Volume I presents the programmatic process and procedures. Volume II provides the implementation checklists and tools to support the effective implementation of the MCEP program.

Volume I consists of three sections:

- 1 [Introduction](#)
- 2 [Program Management and Implementation Responsibilities](#)
- 3 [MCEP Implementation – Evaluation Elements](#)

Volume II consists of associated appendices, tables, checklists, and other tools that support program implementation. For a list of that volume's appendices, tables, and checklists, see Volume II, Table of Contents.

2 Program Management and Implementation Responsibilities

2.1 Program Management

- Pursuant to DOE O 460.2A, *Departmental Materials Transportation and Packaging Management*, the Assistant Secretary for Environmental Management (EM-1) is responsible for “[a]dminister[ing] DOE transportation and packaging responsibilities” and “[e]stablish[ing] and manag[ing] a transportation logistics program that includes carrier evaluations.” In this capacity, the Office of Environmental Management (EM) has Department-wide responsibility for establishing policy and operating requirements to ensure safe, secure, efficient, and timely packaging and transportation of materials, both hazardous (including radioactive) and nonhazardous. This responsibility is implemented through the MCEP.
- The EM Office of Packaging and Transportation (OPT) administers and manages the MCEP for the Department. The OPT is also responsible for periodic review and revision of the MCEP Plan. The DOE MCEP Program Manager resides within OPT.

2.2 Implementation and Implementation Responsibilities

The OPT has established a graded approach to MCEP implementation, using a tiered-based process reflecting the complexity, hazard, and scope of expected shipment(s) by a carrier:

Carriers are graded in one of three tiers:

1. **Tier 1 carriers** transport the most hazardous MCEP-covered hazardous materials. Therefore, Tier 1 carriers require the most rigorous MCEP evaluation.
2. **Tier 2 carriers** transport less hazardous MCEP-covered hazardous materials. They therefore require less rigorous MCEP evaluation requirements.
3. **Tier 3 carriers** transport the least hazardous MCEP-covered hazardous material, requiring the least rigorous MCEP evaluation requirements.

A Tier 1 carrier can transport commodities in Tier 1, 2, or 3; a Tier 2 carrier, only commodities in Tier 2 or 3; a Tier 3 carrier, only commodities in Tier 3.

This tiered process also establishes the primary responsibility for MCEP implementation to evaluate motor carriers. Evaluations can be requested by a DOE element, a DOE contractor, or a subcontractor.

The framework for the MCEP tier-based process is presented in [Table 1](#).

Table 1. MCEP's three-tiered, graded approach to implementation responsibilities.

Functions & Responsibilities	Carrier Category		
	Tier 1	Tier 2	Tier 3
Definition	Carriers transporting materials requiring issuance of an FMCSA Hazardous Materials Safety Permit (HMSP) (49 CFR Part 385, Subpart E) or Carriers transporting commodities that require a Hazardous Materials Security Plan (49 CFR Part 172, Subpart I)	Carriers transporting Type A or Type B Class 7 (radioactive – fissile/non-fissile) materials not included in Tier 1 or Carriers transporting truckload (TL) quantities of low-level or mixed waste shipped as low-specific-activity (LSA) or surface-contaminated object (SCO)	Carriers transporting MCEP-covered hazardous materials not included in Tier 1 or Tier 2 and which require an Environmental Protection Agency (EPA) Uniform Hazardous Waste Manifest
Primary entity responsible for conducting evaluations	DOE MCEP Program Manager for National MCEP carriers Field/Site Offices for Local MCEP carriers	DOE MCEP Program Manager for National MCEP carriers Field/Site Offices for evaluation of Local MCEP carriers	Field/Site Offices or the Prime Contractor, as applicable

Table 1. MCEP's three-tiered, graded approach to implementation responsibilities.

Functions & Responsibilities	Carrier Category		
	Tier 1	Tier 2	Tier 3
Minimum required evaluation	Onsite evaluation visit	Offsite review (validation of records and documents)	Offsite review (validation of records and documents) If the evaluation is performed by the Prime Contractor, the minimum required evaluation must address the relevant transportation-related terms and conditions of the prime contract and include flowdown of applicable contract requirements to the carrier.
Carrier monitoring	Carriers are monitored monthly, using information obtained from the FMCSA Safety Measurement System in addition to other available notification sources, such as feedback from sites.		
Evaluation requirement (Verify compliance with the FMCSR, HMR, and MCEP Plan)	All Tier 2 items	All Tier 3 items	Operating authority
	All Tier 3 items	Dun and Bradstreet report	Insurance
	FMCSA HMSP	Enforcement history	Safety rating, if applicable
	Hazardous Materials Security Plan	MCEP Plan, Vol II, Document Request List	Pipeline and Hazardous Materials Safety Administration (PHMSA) registration, if applicable
	MCEP Vol II checklists and tables applicable to onsite evaluation		Federal Motor Carrier Safety Measurement System status EPA number, if hazardous waste with a Uniform Hazardous Waste Manifest

The graded approach to MCEP programmatic responsibilities includes the following:

- **DOE MCEP Program Manager.** Residing within OPT, the DOE MCEP Program Manager manages and administers the MCEP, assisted by other Federal and contractor subject matter experts (SMEs). The DOE MCEP Program Manager ensures that the Evaluation Teams, team leadership, and appropriate team composition and skill set required for each specific motor carrier evaluation comply with the MCEP Plan. The DOE MCEP Program Manager is also responsible for the evaluation of Single Use Carriers. The DOE MCEP Program Manager will update and distribute the Evaluated Carrier List and Monitoring Spreadsheet to site personnel, on a need-to-know basis.
- **Site Transportation Manager/Transportation Point of Contact (POC).** The Site Transportation Manager/Transportation POC manages and directs site or major contractor transportation services. Depending on the site's practices, the manager may be a Federal employee or a contractor employee serving as the Contractor Transportation Specialist where the DOE site contractor procures transportation services for DOE material under a DOE contract. Under all circumstances, however, the local DOE

site/field Federal Transportation Manager or the Federal Transportation POC ensures effective oversight of contractor transportation activities.

- **Evaluation Team Leader.** The Evaluation Team Leader conducts initial carrier evaluations, initiates contact with carriers, ensures that documentation received from carriers is accurate, ensures that information submitted to DOE is distributed, and evaluates information about carrier performance metrics that was received in the initial evaluation, the onsite evaluation, offsite review, or any MCEP monitoring stage.

For an evaluation of a National MCEP Carrier, the Evaluation Team Leader is appointed by the DOE MCEP Program Manager.

For an evaluation of a Local MCEP Carrier, the Evaluation Team Leader is appointed by DOE Site Office Management.

If a Federal employee is not appointed the team leader, a Federal transportation specialist or Federal employee, agreed-upon by the DOE MCEP Program Manager, will be designated to participate and manage the activities of the Evaluation Team. The Evaluation Team Leader is responsible to provide all applicable records reviewed during the evaluation (listed in Volume II, Appendix 27) and submit it to the DOE MCEP Program Manager for archiving.

- **Evaluation Team Member.** An Evaluation Team Member may participate in the initial evaluation, the onsite evaluation, offsite review, or any monitoring stage. The team member could be a Federal or contractor SME assigned to a carrier evaluation.
 - For an evaluation of a National MCEP Carrier, the Evaluation Team Members are assigned by the DOE MCEP Program Manager.
 - For an evaluation of a Local MCEP Carrier, the Evaluation Team Members are assigned by DOE Site Office Management in coordination with the DOE MCEP Program Manager.

Each team member must meet all qualifications found in the [Evaluation Team Member Qualification Form](#) (Volume II, Appendix 18).

- **Evaluation Team Member-In-Training.** A Team Member-in-Training must complete all assigned activities determined necessary by the DOE MCEP Program Manager to qualify as an Evaluation Team Member.

- **Carrier Review Board (CRB).** The Carrier Review Board is a special board appointed by the OPT Director to evaluate performance and recommend actions for carrier suspension or debarment. Chaired by the DOE MCEP Program Manager, the board consists of at least four DOE Federal or contractor transportation specialists who are knowledgeable in motor carrier safety.

The CRB provides written reports and recommendations to the DOE MCEP Program Manager, who will take the CRB's recommendation to suspend or debar a carrier and communicate it to an authorized DOE suspending and debarring official.

The OPT Director may also appoint a standing CRB or an ad hoc CRB to investigate special carrier conditions.

2.3 Implementation Principles

The effectiveness of MCEP depends on the credibility and the objectivity of the evaluation process and technical competency of all involved parties. Toward that end, OPT has established basic principles and expectations that govern the implementation of the MCEP. These include:

- **Integrity.** MCEP evaluators shall perform their work with honesty, diligence, and responsibility, and shall not engage in any unethical behavior or actions that could discredit DOE.
- **Objectivity.** MCEP evaluators shall not participate in any activity or relationship that may impair or be perceived to impair their unbiased assessment; shall not accept anything that may impair or be perceived to impair their professional judgment; and shall disclose all material facts known to them that, if not disclosed, could distort the MCEP evaluation report. Before performing an assessment, each team member is to complete an **Organizational Conflict of Interest Form** (Volume II, Appendix 26).
- **Confidentiality.** MCEP evaluators (1) shall comply with the Federal Acquisition Regulation governing the use and disclosure of data and exercise extreme care to ensure that information provided for or obtained during the course of an MCEP evaluation is not disclosed to an individual who has not been authorized access, and (2) shall not use information for personal gain or in any manner contrary to established MCEP policies and practices or detrimental to an evaluated motor carrier.

- **Information Security.** All MCEP evaluation reports, corrective action plans, and financial reports, and certain operational information provided by the carrier, are considered business-sensitive information and are made available only on a need-to-know basis.
- **Technical Competency.** MCEP evaluators shall engage in only those activities for which they are currently evaluated competent to perform, and shall take those actions necessary to maintain their MCEP evaluator competency.

2.4 Qualifications and Training

Evaluation Team Members are expected to possess sound judgment, analytical skills, and tenacity; have the ability to perceive situations in realistic ways; understand complex operations from a broad perspective; and understand the roles and responsibilities of individuals within the overall organization. It is imperative that each Evaluation Team Member adhere to the MCEP Implementation Principles.

Training is provided to ensure that Evaluation Team Members understand and meet the requirements outlined in this document. At a minimum, the Evaluation Team Members must have completed the following training and/or must successfully demonstrate relevant experience and proficiency with their subject matter and skills:

- **DOE MCEP Evaluator Training** offered by DOE OPT;
- **Commercial Motor Vehicle Periodic Inspection and Maintenance**, a three-day course offered by the DOT Transportation Safety Institute;
- **Motor Carrier Safety Compliance**, a five-day course offered by the DOT Transportation Safety Institute; and
- **DOT Motor Carrier Safety Compliance Hours of Service Refresher**, a one-day course offered by the DOT Transportation Safety Institute.

Evaluation Team Members should have formal training, or have demonstrated competence and practical experience, in the techniques of examining, questioning, evaluating, and reporting evaluation data. Evaluation Team Members that may serve as Team Leads must also demonstrate additional skills for managing evaluations, including planning, organizing, communicating, and directing evaluations. The DOE MCEP Program Manager may exempt evaluators from the formal training described in this section if the manager determines that they have demonstrated relevant work experience and knowledge.

Evaluation Team Members are evaluated and selected on the basis of their training and experience commensurate with the scope and complexity of the operation of the carrier being evaluated. The DOE MCEP Program Manager is responsible for selecting MCEP Evaluation Team Members and ensuring that they are trained and qualified. Prior to qualification, an Evaluation Team Member-In-Training may also be asked to participate on an evaluation team under the supervision of an Evaluation Team Leader.

The DOE MCEP Program Manager maintains a roster of personnel qualified to participate as MCEP evaluators.

Any prospective evaluator must complete and submit an [Evaluation Team Member Qualification Form](#) (Volume II, Appendix 18) to the DOE MCEP Program Manager to assess the candidate's qualifications.

3 MCEP Implementation – Evaluation Elements

Any new MCEP evaluation begins as the result of a needs determination. The needs determination process may begin at the DOE Field Element/Site Office Local level or the DOE National level, as discussed below.

A request is sent from a DOE Field Element/Site Office transportation representative or DOE Field Element/Site Office contractor procurement representative to their DOE Field Element/Site Office Management. The request is based on a needs evaluation in a solicitation or Request for Proposal to obtain transportation services from a carrier not currently on the MCEP evaluated list. If the DOE Field Element/Site Office Management agrees with the needs evaluation, a letter will be sent to the DOE Field Element/Site Office transportation representative or DOE Field Element/Site Office contractor procurement representative and the DOE MCEP Program Manager to initiate the carrier evaluation.

Alternatively, a new carrier or shipping need may result from a unique, program-specific shipping campaign, such as the National TRU Waste Program, in which waste materials from multiple DOE Sites are shipped to the Waste Isolation Pilot Plant. When a DOE National need for a new carrier capability is identified, based upon a needs evaluation, a request would typically come from a DOE HQ organization. In this case, the DOE HQ organization will provide the DOE MCEP Program Manager a needs evaluation for concurrence.

The needs evaluation must include the following information, as applicable:

- the work scope and anticipated number of shipments,
- the urgency and priority of the shipping campaign and expected schedule,

- the mission impact,
- an assessment of prospective carriers' operational capabilities, infrastructure, and skill set, and
- the potential cost savings and mission efficiency considerations.

Upon the receipt of the needs determination for National Level Carriers (Tier 1 and Tier 2), the DOE MCEP Program Manager will review its content for completeness.

The needs determination and the evaluation request will be acted upon based on several considerations including other scheduled MCEP evaluations, funding, and availability of appropriate SMEs.

Once the need has been established, the MCEP evaluation follows a consistent and structured process. This is depicted in Figure 1.

The evaluation elements comprise a graded approach and consists of:

- Programmatic Evaluation (Initial Evaluation) – This is a programmatic review of the carrier's transportation capabilities, safety experience, currency of the regulatory permits and applicable licenses, and its operating policies and procedures. Satisfactory outcome of the initial evaluation is the minimum requirement needed for Tier 2 and Tier 3 carriers to safely conduct DOE MCEP-covered hazardous material shipments. The programmatic review can be performed onsite or offsite.
- Implementation Evaluation (Onsite Evaluation) – For Tier 1 carriers, the onsite evaluation is mandatory. Its purpose is to enable first-hand observation, verification, and validation of the carrier's overall ability to safely conduct DOE MCEP-covered hazardous material shipments. The implementation evaluation is performed if the outcome of the programmatic evaluation is satisfactory.
- Ongoing Monitoring – This is to ensure that the carrier, regardless of which Tier, continues to meet MCEP evaluation requirements to maintain eligibility. The ongoing monitoring relies on information sources used during the carrier's initial evaluation.

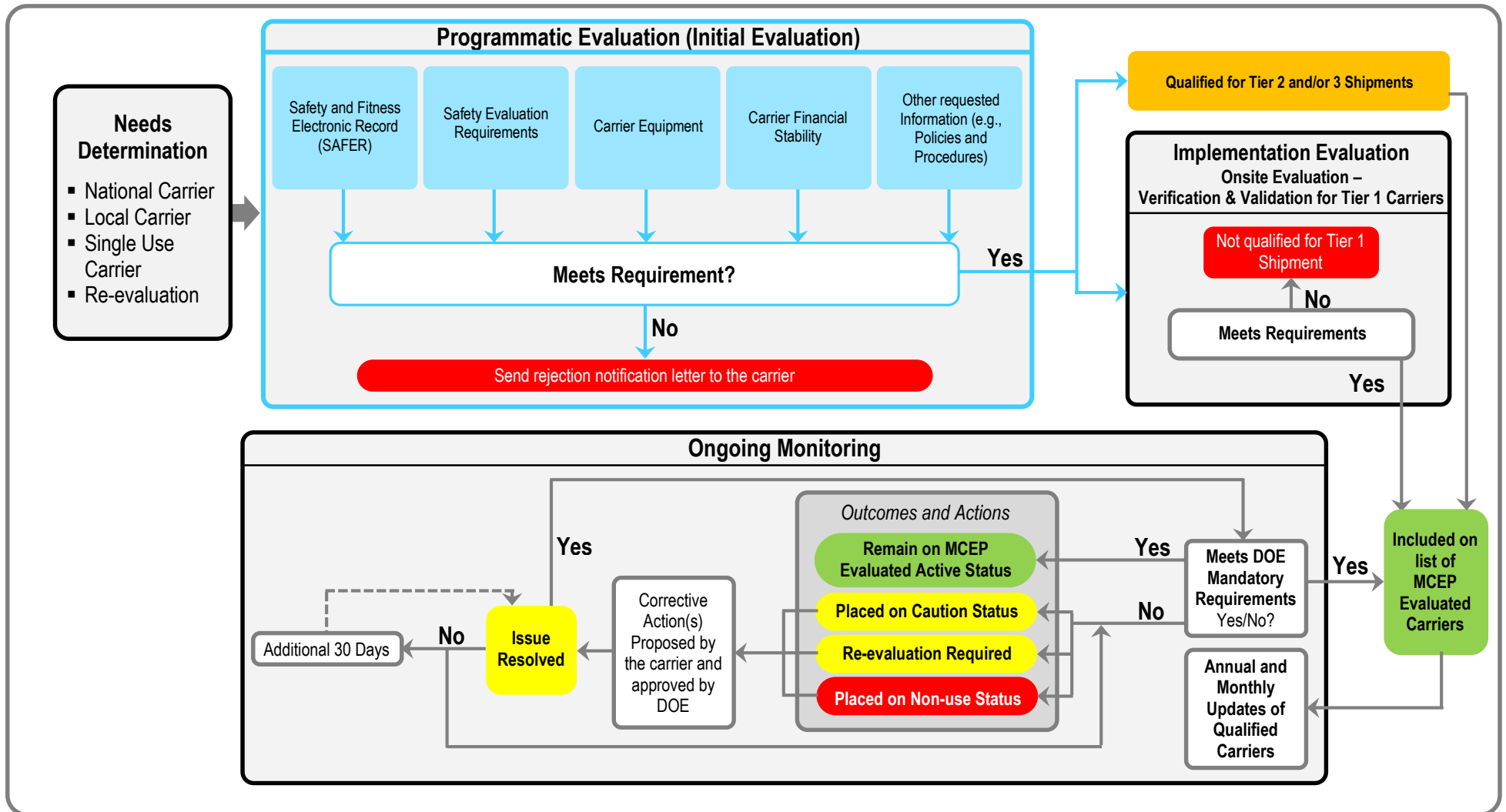
Certain circumstances may require a reevaluation of a carrier. For example:

- mandatory as part of the every 3-year evaluation cycle
- the award of a new contract
- the sale of a business
- a foreign company's purchase of a carrier that transports classified materials

- a change in transporting DOE hazardous materials capabilities or service issues
- follow-up to address potential safety performance concerns.

Within 45 days of completing a MCEP evaluation, the Evaluation Team Lead will issue an MCEP evaluation report.

Figure 1. MCEP Evaluation Process



3.1 Programmatic Evaluation (Initial Evaluation)

The programmatic evaluation includes the collection and review of diverse information sources and documents (Volume II, Appendix 3). These incorporate requirements and standards from DOT regulations and safety management programs and include:

- **SAFER.** The FMCSA's Safety and Fitness Electronic Record (SAFER)¹ is a web-based resource which offers a wealth of information on any carrier's safety data to industry and the public. The SAFER specific documents to review include:
 - Company Snapshot
 - Analysis and Information (A&I) Online
 - Licensing and Insurance
 - Shipper Verification of Carrier Hazardous Material Safety Permit (HMSP)
- **Safety Evaluation Requirements.** The carrier must have an active DOT operating status—for example, the status “Authorized for Property”—and a satisfactory DOT Motor Carrier Safety Rating. If the DOT has not rated the carrier, its safety status, as published monthly by DOT in the FMCSA Safety Measurement System (SMS), must not exceed the FMCSA hazardous material intervention thresholds. These consist of DOT established seven Behavior Analysis and Safety Improvement Categories (BASICS), as follows:
 1. Unsafe driving
 2. Hours of service
 3. Driver fitness
 4. Controlled substances and alcohol
 5. Vehicle maintenance
 6. Hazardous material
 7. Crash indicator.

¹ <https://safer.fmcsa.dot.gov/>

- **FMCSA Intervention Threshold.** FMCSA has established the following intervention threshold score for hazardous materials carriers:
 - equal to or greater than 60 percent in the Unsafe Driving, Hours of Service, and Crash Indicator BASIC categories;
 - equal to or greater than 75 percent in the Driver Fitness, Controlled Substances and Alcohol, and the Vehicle Maintenance BASIC category; and
 - equal to or greater than 80 percent for the Hazardous Materials Compliance BASIC category.

MCEP uses the FMCSA intervention threshold scores for hazardous materials as a measure to determine carrier safety performance trends. Carrier policies and procedures also will be compared against FMCSA SMS data. A carrier may have a comprehensive maintenance policy, for example, but its vehicle out-of-service (OOS) statistics may be well above the National average. This would indicate a need for an in depth examination of actual maintenance practices and the company's enforcement of related policies to ensure regulatory compliance.

If the FMCSA SMS report indicates that the carrier is not meeting the safety requirements, the carrier must demonstrate that the FMCSA SMS score is incorrect as a result of misreporting of data. In such a case, the carrier must work directly with FMCSA to resolve the issue(s) in question.

- **Carrier Equipment.** The carrier must provide transport vehicles meeting all applicable DOT requirements. Transport vehicles must be capable of undergoing Commercial Vehicle Safety Alliance (CVSA) Level I inspections without out-of-service defects. Recapped tires are allowed, provided that the original tire casing is recapped only once.

Transport vehicles used for spent nuclear fuel and Highway Route Controlled Quantity shipments of radioactive material must be capable of undergoing a CVSA Level VI inspection without defects, and the use of recapped tires is not allowed.

A carrier must not have an unsatisfactory or conditional DOT Safety Rating in the 12 months preceding an MCEP evaluation.

FMCSA SMS and SAFER information will be key indicators in both the initial evaluation of new carriers and the continuous monitoring of previously evaluated carriers.

- **Carrier Financial Stability.** Each carrier must have asset-to-liability ratio of 1.00 or higher and an operating ratio of 1.00 or lower. Each carrier is required to have the minimum amount of liability insurance coverage for the volume and types of material transported as specified in 49 CFR Part 387.

In addition to any other insurance coverage, DOE indemnification under the Price–Anderson Nuclear Industries Indemnity Act (the Price–Anderson Act) covers all contractual activities conducted for DOE with the potential to cause a “nuclear incident,” as defined in the Atomic Energy Act. These activities include a variety of activities for DOE, including transportation of nuclear material within the United States in connection with a DOE activity. In addition, if there is an accident during such transportation but no nuclear incident, the DOE indemnification would cover any precautionary evacuation that is ordered by an authorized State or local official.

As a final step, the Evaluation Team Lead will complete the DOE Initial Evaluation Criteria (Volume II, Appendix 2). Drawing on information gathered by the Evaluation Team, the DOE MCEP Program Manager will then decide whether to

- request more carrier information,
- reject the request for MCEP participation, or
- begin preparing for an onsite evaluation, as needed (Tier 1 carriers).

A carrier who does not qualify during the initial evaluation stage will be notified of the specific reason(s).

If the programmatic evaluation is successful, the DOE MCEP Program Manager or designee will formally notify the carrier in a closeout letter authorizing it to transport , DOE radioactive and hazardous materials that meet Tier 2 and/or Tier 3 requirements (Volume II, Appendix 22).

3.2 Implementation Evaluation (Onsite Evaluation – Verification & Validation)

The onsite evaluation process has four primary objectives:

1. Verify adequacy of implementation of carrier policies and procedures,
2. Validate carrier capabilities,
3. Conduct first-hand discussions and interviews with carrier staff and management, and
4. Follow up on other issues of concern, as needed.

Onsite evaluations are conducted by sampling carrier records, using checklists and tables contained in Volume II of the MCEP Plan which are based on specific regulatory requirements. During the process, Evaluation Team Members evaluate a sampling of Driver Qualification Files, Vehicle Maintenance Files, and Driver's Record of Duty Status, as appropriate, based on the following:

- Appendix 4 – Vehicle Maintenance File Checklist
- Appendix 5 – Vehicle Inspection (Physical) Checklist
- Appendix 6 – Driver Qualification File Checklist
- Appendix 7 – Driver's Record-of-Duty Status Checklist
- Appendix 8 – HazMat Employee Training Checklist
- Appendix 8.5 – Evaluation Sample-Size Guide.

Evaluation requirements in Volume II, Appendix 9 through Appendix 15 are used to validate specific policies, procedures, programs, and information that the carrier is required to follow. These Appendices identify DOT requirements and other important transportation issues. DOE-specific Onsite Evaluation Criteria are listed in Volume II, Appendix 16.

Questions found in Volume II, Appendix 9 through Appendix 15 tables must be answered either **YES**, **NO**, or **N/A** (Not Applicable) and documented. Using **N/A** is appropriate where the activity in question is not required for a specific carrier. **N/A** should not be used if **NO** is the more appropriate answer. In situations where the response is neither fully **YES** nor fully **NO**, the carrier or evaluators should select **NO**.

For each driver qualification file, logbook, and vehicle maintenance file examined, the evaluator will complete an individual checklist. Sufficient blank checklists should be copied prior to the onsite visit, based on the number of carrier drivers and vehicles reported.

Each **YES** or **NO** answer must be supported by collecting objective evidence. Objective evidence is defined in International Organizations for Standards (ISO) document ISO 8402:1994, Quality Management/Assurance Vocabulary, as “information that can be proved true, based on facts, obtained through observation, measurement, test, or other means.” Answers provided by talking with an evaluator must be corroborated either by another person or by the evaluator’s own observation of the process.

Evaluators are encouraged to ask questions to gain a broader perspective of the carrier, and notes must be taken. Before departing, the Evaluation Team must be satisfied with the quantity and quality of information the carrier has provided. All materials provided by the carrier must be treated as proprietary and not shared with another carrier or person.

Where the Evaluation Team obtains external documentation that reflects negatively on a carrier’s ability to remain on the MCEP list of evaluated carriers, copies of such documentation will be provided to the carrier for information and response.

Information obtained during the implementation evaluation process will be used to determine whether the carrier is eligible for MCEP Tier 1 listing. A carrier who does not meet MCEP eligibility requirements for Tier 1 shipments will be notified in writing by the DOE MCEP Program Manager, using an MCEP Report with Action-Item Letter (Volume II, Appendix 21). The carrier will have 60 days to respond.

If an implementation evaluation is successful, the DOE MCEP Program Manager will formally notify the carrier in a closeout letter authorizing the carrier to transport Tier 1 DOE radioactive and hazardous materials (Volume II, Appendix 22).

3.3 Ongoing Monitoring

MCEP-evaluated carriers are monitored to ensure they continue to meet requirements to maintain eligibility. Each carrier must submit an annual report, using the [Carrier Profile Form](#) (Volume II, Appendix 1) to document the volume of business done with DOE and provide any updated information about significant changes, such as changes in the carrier’s capabilities, organization, financial status, or insurance coverage.

The ongoing monitoring relies on types of information similar to those used during the carrier’s initial evaluation. DOE Monitoring Criteria are presented in Volume II, Appendix 17. Specific and focused carrier monitoring may also be coordinated by the DOE MCEP Program Manager at any time to address special situations and circumstances affecting DOE transportation services. The DOE MCEP Program Manager is responsible for monitoring carriers on the MCEP list of evaluated carriers.

An MCEP carrier with satisfactory performance is eligible to remain on the evaluated list.

3.3.1 Monitoring Process

MCEP carrier performance information is gathered from the most recent FMCSA SMS and SAFER results, especially the carrier's BASIC scores. Any MCEP carrier having a negative trend (FMCSA SMS scores meeting or exceeding the intervention thresholds) will be investigated and the reasons for deteriorating scores determined. An MCEP carrier must explain the reasons for higher (worse) scores or deteriorating performance trends and must state what corrective action has been taken or is pending. A monitored MCEP carrier must supply updates on accidents and vehicle miles traveled during the previous year.

The DOE MCEP Program Manager will run the updated FMCSA SMS and SAFER reports quarterly on all MCEP listed carriers. There are five requirements:

1. If a carrier meets the DOE Monitoring Criteria (Volume II, Appendix 17), no further action is required. An MCEP carrier maintains listed status with MCEP.
2. A carrier whose FMCSA SMS scores exceed established maximum thresholds may receive a Letter of Caution and be placed on the Carrier Watch List section of the Evaluated Carrier List/Monitoring Spreadsheet. Such a MCEP carrier will need to demonstrate improvement and may be required to submit a letter stating what corrective actions are planned. On a case-by-case basis, the DOE MCEP Program Manager will establish a time period over which the MCEP carrier must show improvement.
3. An MCEP carrier whose FMCSA SMS scores are high will receive a Letter of Reevaluation (Volume II, Appendix 24) and will be placed on the Carrier Watch List section of the Evaluated Carrier List/Monitoring Spreadsheet.
4. If an MCEP carrier's FMCSA SMS safety rating degrades to Conditional or Unsatisfactory, the carrier is placed on temporary non-use status until a Satisfactory rating is restored. If a Satisfactory rating is not received within 90 days of the initial Conditional or Unsatisfactory rating, the carrier will be placed on inactive status.
5. The Carrier Watch List section of the Evaluated Carrier List/Monitoring Spreadsheet shows the MCEP carriers with individual FMCSA SMS scores. An MCEP carrier who meets or exceeds the DOT FMCSA hazardous material

intervention thresholds over a 2-month period will be placed on the MCEP watch list.

3.3.2 Yearly Monitoring

Every year, the DOE MCEP Program Manager or designee will ask each MCEP carrier to update its carrier profile. Yearly monitoring is to be completed by the end of March. An example of the Carrier Profile (Volume II, Appendix 1) is to be provided to each carrier. This information will be compared to the same requirements used in the original evaluation to assess whether the carrier continues to meet program requirements.

3.3.3 Monitoring Outcomes and Actions

This section provides a consistent approach to ensure that MCEP-listed carriers are held accountable for attaining the expected performance and monitoring outcomes. There are five possible outcomes:

1. [MCEP Evaluated Active Status](#), discussed in section [3.3.3.1](#).
2. [Caution Status](#), discussed in section [3.3.3.2](#).
3. [Reevaluation Required](#), discussed in section [3.3.3.3](#).
4. [Temporary Non-Use Status](#), discussed in section [3.3.3.4](#).
5. [Suspension or Debarment](#), discussed in section [3.3.3.5](#).

Corrective actions will be reviewed by the DOE MCEP Program Manager.

3.3.3.1 MCEP Evaluated Active Status

Monitored performance items meet the requirements for acceptability, and the MCEP carrier maintains its listed status. This information will be updated as appropriate on the carrier's MCEP record. To continue to have its performance found acceptable, the carrier must meet four requirements:

- The carrier's FMCSA SMS scores must not exceed the DOT FMCSA hazardous material intervention threshold scores.
- The carrier must submit its annual information updates on time.
- The carrier must have no Conditional or Unsatisfactory safety ratings from FMCSA and must continue to do business with DOE sites.
- If, during the most recent three years, a carrier has not transported MCEP-covered hazardous materials on behalf of DOE, it is placed on inactive status.

The inactive carrier must have another MCEP evaluation to have its eligibility status reinstated.

3.3.3.2 Caution Status

When negative trends in a MCEP carrier's FMCSA SMS scores reach the DOT FMCSA hazardous material intervention threshold, a Letter of Caution will be issued and the carrier may become ineligible to provide MCEP-covered hazardous material transportation services for DOE. To maintain its MCEP eligibility, the carrier must address the problem(s) identified in the Letter of Caution and must improve overall performance. The carrier will be asked for a corrective action plan to improve negative trends. Within 45 days of receiving the Letter of Caution, the carrier must send a response, complete with a corrective action plan to improve negative trends. If the carrier fails to do so, it risks being placed on temporary non-use or inactive status.

An example of a Letter of Caution can be found in Volume II, Appendix 23. A letter may be issued by the DOE MCEP Program Manager or the Site Transportation Manager/Transportation POC.

3.3.3.3 Reevaluation Required

A variety of factors may result in the need for an MCEP carrier to be reevaluated for MCEP qualification. For example, a carrier whose FMCSA SMS scores have demonstrated a negative safety performance trend over a 3-month period must undergo a reevaluation to determine whether it is still eligible to provide DOE with MCEP-covered hazardous material transportation services. The degree of rigor in the reevaluation depends on the seriousness of the issue. The reevaluation may be performed onsite, or issues may be resolved by a phone call.

Typically, a reevaluation will be prompted by one of the following:

- a negative trend in the FMCSA SMS report
- the carrier's failure to submit or complete requested information
- questions of financial stability—for example, unhealthy operating ratios or bankruptcy
- a change in ownership and/or DOT number
- special circumstances—for example, a high-visibility campaign
- an incident or accident involving DOE radioactive or hazardous materials.

A Letter of Reevaluation (Volume II, Appendix 24) will be issued by the DOE MCEP Program Manager or the Site Transportation Manager/Transportation POC, as appropriate, explaining the need for a reevaluation. The procedures for reevaluation will focus only on identified problem areas or changes in circumstances. For example, if a carrier's Unsafe Driver FMCSA SMS score equals or exceeds the DOT FMCSA hazardous material intervention threshold, the reevaluation will focus on driver issues such as hours of service or driver disciplinary policies. The purpose of the reevaluation is to verify data and confirm that all necessary corrective actions have been implemented. Once the reevaluation is completed, a follow-up letter specifying any findings, concerns, or recommendations will be sent to the carrier. An example Letter of Reevaluation Findings can be found in Volume II, Appendix 25.

A reevaluation review may result in one of the following actions:

- immediate approval
- temporary non-use until a problem is resolved
- removal from the MCEP list of evaluated carriers
- appointment of a Carrier Review Board
- a recommendation for suspension or debarment.

3.3.3.4 Temporary Non-Use Status

A carrier failing to implement corrective actions from reevaluation or not responding to a Letter of Caution within 45 days may be placed in temporary non-use status by the agency transportation officers for up to 90 days. The decision to place a carrier in temporary non-use status has no effect beyond DOE. An MCEP carrier who receives a Conditional or Unsatisfactory FMCSA SMS safety rating or who fails to meet DOE requirements may also be placed in temporary non-use status.

An MCEP carrier can be placed in temporary non-use status for other reasons, as well. For example:

- willful violations of the terms of the rate tender
- a persistent or willful failure to meet requested packing and pickup service
- a failure to meet required delivery dates
- a violation of DOT hazardous material regulations
- mishandling of freight; damaged or missing transportation seals; or improper loading, blocking, packing, or bracing of property

- improper routing of property
- subjecting the DOE's shipments to unlawful seizure or detention by failing to pay debts
- operating without legal authority
- failure to settle claims according to Government regulations
- repeated failure to comply with regulations of DOT, Surface Transportation Board, State or Local governments, or other Government agencies.

The DOE MCEP Program Manager or Site Transportation Manager/Transportation POC, as appropriate, may place a carrier in temporary non-use status for up to 90 days. A written notification will be provided by the DOE MCEP Program Manager (for a National MCEP-listed carrier) or the Site Transportation Manager/Transportation POC (for a Local MCEP-listed carrier), notifying the carrier that it has been placed on temporary non-use status. This written notification must

- be sent by Certified mail – return receipt requested;
- identify the effective start and end dates of the proposed temporary non-use (not to exceed 90 days);
- define the scope of the proposed temporary non-use; and
- describe the facts supporting the specified cause(s) for temporary non-use status.

Reinstatement of an MCEP carrier's active status is contingent on satisfactory implementation of corrective actions. The DOE MCEP Program Manager will then update the MCEP Evaluated Carrier List/Monitoring Spreadsheet.

3.3.3.5 Suspension or Debarment

In some instances, a DOE suspending and debarring official may formally suspend an MCEP carrier for more than 90 days. A Carrier Review Board is appointed to review violations and recommend suspension, or possibly debarment.

DOE follows the regulations promulgated by the General Services Administration in 41 CFR Part 102-117 describing Temporary Non-use, Suspension and Debarment of transportation service providers. The Department also complies with the regulations found in 48 CFR Part 9, Subpart 9.4 and 48 CFR Part 9, Subpart 909.4 when dealing with a contractor's suspension or debarment. Suspended and debarred contractors are excluded from receiving Federal contracts. It should be noted that, while the DOE MCEP Program Manager or DOE Site Office's Transportation Management may place

transportation service providers in temporary non-use status, only the Department's designated official may suspend or debar any contractor from work.

Suspension is disqualifying a transportation service provider from receiving orders for services under a contract or rate tender, pending an investigation or legal proceeding. The reasons for suspension may include committing fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a contract for transportation in violation of Federal or State antitrust statutes; embezzlement; theft; forgery; bribery; falsification or destruction of records; making false statements; or receiving stolen property. Indictment for any of these causes serves as adequate evidence for suspension.

Suspension may also result from evidence of any other serious or compelling nature potentially affecting DOE or contractor transportation services. The suspension period may be

- **temporary**, pending completion of investigations and any ensuing legal proceedings, unless terminated before this time by the Department's designated suspension/debarment official.
- **up to 12 months** while the contractor awaits the start of legal proceedings. If legal proceedings are not started within 12 months after the date of the suspension notice, the suspension is lifted unless an Assistant Attorney General requests its extension.
- **extended by an additional six months** unless legal proceedings begin sooner. To secure an extension, the Department's designated suspension/debarment official must notify the Department of Justice (DOJ) of the proposed termination of suspension at least 30 days before the 12-month period expires. This notice gives DOJ an opportunity to request an extension.

The scope of suspension shall be the same as that for debarment (48 CFR 9.406-5), except procedures of 48 CFR 9.407-3 are used in imposing suspension. The carrier must receive written notification of suspension. The notification must

- be sent by Certified mail – return receipt requested;
- state the suspension's effective start date and end date;
- state the scope of the suspension—which services for DOE may not be performed; and
- describe the facts to support the specified cause(s) for suspension.

The suspension must be for a temporary period pending the completion of an investigation and such legal proceedings as may ensue of the cause(s) relied upon under 48 CFR 9.407-2 for imposing suspension.

Within 30 days after receiving the suspension notice, the carrier may submit—in person, in writing, or through a representative—information and arguments against the suspension, including any additional specific information raising a genuine dispute over the material facts. Additional proceedings to examine disputed material facts will be conducted, except for indictment. DOJ may support continued suspension if substantial interests of the Government in pending or contemplated legal proceedings, based on the same facts as the suspension, would be prejudiced.

Debarment is a legal action taken to exclude a contractor from doing business with any Federal agency. The period of debarment should not exceed 3 years, unless it is for a violation of the Drug Free Workplace Act of 1988. In determining the debarment period, the period of suspension preceding a debarment should also be considered.

Requirements for Suspension and Debarment are found in Federal Acquisition Regulations Section 9.4. Specific DOE requirements are found in the Department of Energy Acquisition Regulation (DEAR) Section 909.4. The DEAR identify a DOE Suspension and Debarring official. The DOE MCEP Program Manager must work with this official on Suspension or Debarment matters.

3.4 Key Deadlines and Milestones

Some important deadlines and milestones are shown in the following table.

Action/Event	Deadline/Milestone
A carrier failing to meet all requirements will not be evaluated until the problem or uncertainty is resolved.	The carrier will be given 60 days to resolve the issue(s).
Carriers not meeting MCEP eligibility requirements will be notified in writing by the DOE MCEP Program Manager through a Carrier Finding Response Letter.	Carriers have 60 days to respond.
Evaluation Team will submit all MCEP identified records.	Closeout reports issued within 45 days of review
If a carrier's FMCSA SMS safety rating changes to Conditional or Unsatisfactory, the carrier is placed on temporary non-use status until a Satisfactory rating is restored.	If a Satisfactory rating is not received within 90 days of an initial Conditional or Unsatisfactory rating, the carrier will be placed into Inactive status.
Yearly Monitoring	Formal yearly monitoring is to be completed by the end of March.
Caution Status	Carriers must respond to a Letter of Caution within 45 days.
Temporary Non-use status	Carriers not responding to a Letter of Caution or receiving a Conditional/Unsatisfactory FMCSA SMS will be placed on temporary Non-use not to exceed 90 days.